

# PATENT APPLICATION FEE DETERMINATION RECORD

Effective October 1, 2003

Application or Docket Number

10788795

## CLAIMS AS FILED - PART I

|   | (Column 1)    | (Column 2)   |
|---|---------------|--------------|
| TOTAL CLAIMS  | 41            |              |
| FOR   | NUMBER FILED  | NUMBER EXTRA |
| TOTAL CHARGEABLE CLAIMS                                   | 41 minus 20 = | 21           |
| INDEPENDENT CLAIMS  | 5 minus 3 =   | 2            |
| MULTIPLE DEPENDENT CLAIM PRESENT <input type="checkbox"/> |               |              |

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

| RATE      | FEE    |
|-----------|--------|
| BASIC FEE | 385.00 |
| XS 9=     |        |
| X43=      |        |
| +145=     |        |
| TOTAL     |        |

| RATE      | FEE    |
|-----------|--------|
| BASIC FEE | 770.00 |
| XS18=     | 378    |
| X86=      | 172    |
| +290=     |        |
| TOTAL     | 1320   |

\* If the difference in column 1 is less than zero, enter "0" in column 2

## CLAIMS AS AMENDED - PART II

Amndt

|   | (Column 1) | (Column 2)                       | (Column 3)                         |
|---|------------|----------------------------------|------------------------------------|
| AMENDMENT A   | 4/17/06    | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR |
| Total   | 41         | Minus                            | ** 41 =                            |
| Independent   | 5          | Minus                            | *** 3 =                            |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                  |                                    |

Reg. for Record No Claim amended

SMALL ENTITY TYPE ☐

OR OTHER THAN SMALL ENTITY

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS 9=            |                |
| X43=             |                |
| +145=            |                |
| TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS18=            |                |
| X86=             |                |
| +290=            |                |
| TOTAL ADDIT. FEE |                |

|   | (Column 1) | (Column 2)                       | (Column 3)                         |
|---|------------|----------------------------------|------------------------------------|
| AMENDMENT B   |            | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR |
| Total   | *          | Minus                            | ** =                               |
| Independent   | *          | Minus                            | *** =                              |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                  |                                    |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS 9=            |                |
| X43=             |                |
| +145=            |                |
| TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS18=            |                |
| X86=             |                |
| +290=            |                |
| TOTAL ADDIT. FEE |                |

|   | (Column 1) | (Column 2)                       | (Column 3)                         |
|---|------------|----------------------------------|------------------------------------|
| AMENDMENT C   |            | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST NUMBER PREVIOUSLY PAID FOR |
| Total   | *          | Minus                            | ** =                               |
| Independent   | *          | Minus                            | *** =                              |
| FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM <input type="checkbox"/> |            |                                  |                                    |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS 9=            |                |
| X43=             |                |
| +145=            |                |
| TOTAL ADDIT. FEE |                |

| RATE             | ADDITIONAL FEE |
|------------------|----------------|
| XS18=            |                |
| X86=             |                |
| +290=            |                |
| TOTAL ADDIT. FEE |                |

\* If the entry in column 1 is less than the entry in column 2, write "0" in column 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20."  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3."  
 The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1.

United States Patent and Trademark Office  
- Sales Receipt -

04/20/2006 WMITCHEL 00000004 050221 10788795

01 FC:1252 450.00 DA

Application No. 10/788,795

71622 US02

Request for Reconsideration dated April 11, 2006

Reply to Office action dated December 5, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re Application of:

Cook

Serial No.: 10/788,795

Group Art Unit: 1761

Filed: February 27, 2004

Examiner: PRATT, Helen F.

For: BEVERAGES CONTAINING WATER-SOLUBLE VITAMIN E

Commissioner for Patents  
Mail Stop Amendment  
P. O. Box 1450  
Alexandria, VA 22313-1450

*Ext. of time  
fee*

**REQUEST FOR RECONSIDERATION**

In Response to the Office Action mailed on December 5, 2005, consideration of this Request for Reconsideration and the following remarks are respectfully requested.

**REMARKS**

The sole outstanding issue concerns the rejection of claims 1-41 under 35 U.S.C. 103(a) as purportedly obvious based on Lambert et al. (WO 02/076970) in view of Skeffington et al. (2,088,927), Krasavage et al. (J. Agriculture Food Chemistry), Traber et al. (Am. J. Clin. Nutr.) and Argao (J. Pediatric Research). Applicant respectfully traverses this rejection.

Independent claim 1 (from which claims 2-11 depend) concerns a beverage. The beverage includes water, a water-soluble source of vitamin E, a flavoring agent and a sweetener. Independent claim 12 (from which claims 13-22 depend) concerns a fruit beverage which includes fruit juice or fruit flavoring, a water-soluble source of vitamin E and water. Independent claim 23 (from which claims 24-32 depend) concerns a carbonated beverage that includes carbonated water, a water-soluble source of vitamin E, an anti-foaming agent, and a flavoring agent. Independent claim 34 (from which claims 35-37 depend) concerns a beverage concentrate including a flavoring agent, a sweetener, a preservative, an anti-foaming agent, a water-soluble source of vitamin E, and water. Moreover, independent claim 38 (from which claims 39-41 depend)